

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5

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|----------------------------|---|----------------------|
| IN THE MATTER OF: |) | FINDING OF VIOLATION |
| |) | |
| Coleman Trucking, Inc. |) | EPA-5-99-OH-1 |
| Cleveland, Ohio |) | |
| |) | |
| Proceedings Pursuant to |) | |
| Section 113 (a) (3) of the |) | |
| Clean Air Act, |) | |
| 42 U.S.C. § 7413(a) (3) |) | |
| _____ |) | |

FINDING OF VIOLATION

The United States Environmental Protection Agency (U.S. EPA), by authority duly delegated to the undersigned, hereby notifies the State of Ohio and Coleman Trucking, Inc. (Coleman) that U.S. EPA finds, pursuant to Section 113(a)(3) of the Clean Air Act (Act), 42 U.S.C. § 7413(a)(3), that Coleman, an asbestos abatement contractor, located at 3580 East 93rd Street, Cleveland, Ohio, is in violation of Section 112 of the Act, 42 U.S.C. § 7412, and regulations promulgated thereunder setting forth National Emission Standards for Hazardous Air Pollutants (NESHAPS) for Asbestos, 40 C.F.R. Part 61, Subpart M (1992). Specifically, Coleman is in violation of the asbestos NESHAP as follows:

1. From April 7, 1997 to April 8, 1997, asbestos was removed prior to demolition at four (4) residential units located at 1434 Trump Avenue, 1324 Marietta Avenue, 602 Marietta Avenue, and 625 Cole Avenue in Canton Township. The ACM removal project was part of the Ohio Department of Transportation (ODOT) Route 30 Extension Project in Stark County. The residential units were all subject to the applicable requirements of the asbestos renovation and demolition standard as specified at 40 C.F.R. § 61.145.

Finding #1 - Violation of 40 C.F.R. § 61.145(c)(1). At 1434 Trump Avenue, a small amount of ACM residue was left on the wood substrate in the kitchen area where Coleman had removed the heating duct and ACM. Additionally, a heating duct was found in the basement area which was still coated with ACM (intact and untouched - several square feet). The ACM was identified by Mr. Leon Bell as subject to abatement by Coleman.

Finding #2 - Violation of 40 C.F.R. § 61.145(c)(6)(i). At 602 Marietta Avenue, ACM debris was observed on the floor and on top of wood and plaster debris in the North East room of the house. In the kitchen, ACM debris was observed on the floor carpeting as well as still attached to the wall substrate in an area in which a heating duct had been removed by Coleman. In the basement area, a large section of ACM debris was observed on top of a clothes dryer. All such ACM debris was dry and in a disturbed condition, having been removed from the substrate or having had part of its substrate removed. The ACM debris observed in the three (3) areas at 602 Marietta Avenue, was photographed, wetted and sampled. The abatement process at this location resulted in dry ACM debris remaining at the "completed" job site prior to demolition.

Finding #3 - Violation of 40 C.F.R. § 61.145(b)(2). Coleman submitted an original *Ohio Notice of Demolition and Renovation* on March 3, 1997 which listed Kelly Run Landfill, P.O. Box 333, Route 51 South, Elizabeth, Pennsylvania 15037 as the waste disposal site. Kelly Run Landfill was contacted by the U.S. EPA in order to obtain the waste manifests for the aforementioned ACM project. Kelly Run Landfill did not possess the manifests in question because they had stopped managing the Landfill on April 12, 1997. The new manager of the landfill was South Hills Landfill, an U.S.A. Waste Management Company. U.S. EPA contacted South Hills Landfill and they were able to furnish two manifests showing a dumping date of June 10, 1997. No revised notice was ever received by this Agency listing the new landfill name and address.

2. Coleman's failure to remove all ACM prior to demolition and failure to adequately wet the ACM as well as update any notices as necessary is a violation of 40 C.F.R. § 61.145(c)(1), 40 C.F.R. § 61.145(c)(6)(i) and 40 C.F.R. § 61.145(b)(2) and, therefore, of Section 112 of the Act, 42 U.S.C. § 7412.

12/30/98

Date



Stephen Rothblatt, Acting Director
Air and Radiation Division

CERTIFICATE OF MAILING

I, Shwanda Mayo, do hereby certify that a Notice of Violation and a Finding of Violation Pursuant to the Clean Air Act was sent by Certified Mail, Return Receipt Requested, to:

Sean Coleman, Chief Executive
3580 East 93rd Street
Cleveland, Ohio 44105

Re: Finding of Violation to Coleman Trucking, Inc.

I, Shwanda Mayo, certify that a copy of the Notice of Violation Pursuant to the Clean Air Act was sent by first class mail to:

Robert Hodanbosi, Chief
Division of Air Pollution Control
Ohio Environmental Protection Agency
Lazarus Government Center
P.O. Box 1049
Columbus, Ohio 43216-1049

on the 31 day of December, 1998

Shwanda Mayo
Shwanda Mayo, Secretary
AECAS (MN/OH)

964 397 111
Certified Mail Article Number